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TRI-WEEKLY \$7 A YEAR.

BY J. A. SELBY.

COLUMBIA, S. C., WEDNESDAY MORNING, SEPTEMBER 6, 1865.

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THE PHENIX

DAILY AND TRI-WEEKLY.

WEEKLY GLEANER

BY JULIAN A. SELBY. TERMS-IN ADVANCE.

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CHARLESTON, August 19, 1865.
To his Excellency B. F. Perry, Provisional Governor, &c., &c.

GOVERNOR: In pursuance of your instructions, I proceeded to the headquarters of Maj. Gen. Gillmore, commanding the Department of South Carolina. General Gillmore informed me that the courts, the character and procedure of which I was directed to investigate, had no jurisdiction whatever as to any questions connected ever as to any questions connected with real estate; that they were, in fact, instituted only to investigate those usual claims which arise in the ordinary course of business between resident citizens and troops in mili-tary occupation. That as to the lands within the lines of military occupation, he had no authority as to questions either of possession or title, the whole subject, in all its connections, having recently been transferred to the newly created Bureau of Refugees, Freedmen and Absordoned Lands. He therefore forwarded your letter to Maj. Gen. Saxton, the Commissioner of that Bureau for this department, and referred me to that officer for such information as I was instructed to

I accordingly proceeded to Beaufort, the headquarters of Gen. Saxton. Gen. Saxton received me with great courtesy, and furnished me every fa-cility for the examination of the Acts, orders and circulars creating the bureau and prescribing its duties.

I will best discharge the duty assigned me by placing before you an abstract of these various documents. I do not think it necessary to refer to the older Acts of Congress, farther than to quote from the Act of July, 1864, the following definition of abandoned lands:"

"Property, real or personal, shall be regarded as abandoned where the lawful owner thereof shall be voluntarily absent. therefrom, and engaged either in arms or otherwise, in aiding or encouraging the rebellion."

or encouraging the rebellion."

On March 3, 1865, an Act was approved by the President, enacting "That there is hereby established in the War Department, to continue during the present war of rebellion, and for one year thereafter, a bureau of refugees, freedmen and abandoned lands to which shall be committed as lands, to which shall be committed, as hereinafter provided, the supervision and management of all abandoned lands and the control of all subjects relating to refugees and freedmen from rebel States, or from any district of country within the territory embraced in the operations of the army, under such rules and regulations as may be prescribed by the head of the bureau and approved by the President.

After providing the official machinery for the working of the new bu-

reau, the Act provides, section 4:
"That the Commissioner, under the direction of the President, shall have authority to set apart, for the use of loyal refugées and freedmen, such tracts of land within the insurrectionary States as shall have been abandoned, or to which the United States shall have acquired title by confiscation or sale, or otherwise; and to every male citizen, whether refugee or freedmen, as aforesaid, there shall be assigned not more than forty acres of such land, and the persons to whom it was assigned shall be protected in the use and enjoyment of the land for the term of three years, at an annual rent not exceeding six per centum upon the value of such land as it was assigned shall be protected in the term of three years, at an annual rent not exceeding six per centum upon the value of such land as it was

appraised by the State authorities in the year eighteen hundred and sixty, for the purposes of taxation; and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the Commissioner may prescribe. At the end of the said term, or any time Attneend of the said term, or any time during said term, the occupants of any parcels so assigned may purchase the land and receive such title thereto as the United States can convey, upon paying therefor the value of the land as ascertained and fixed for the purpose of determining the annual rent

On May 22, 1865, Major-General Howard, Commissioner of the Bureau, issued the following order:
"It is ordered that all abandoned

lands in said States now under cultivation by the freedmen be retained in their possession until the crops now growing shall be secured for their benefit, unless full and just compen-sation be made for their labor and its

products, and for expenditures.

"The above order will not be so construed as to relieve disloyal persons from the consequences of their disloyalty, and the application for the

restoration of lands by this class of persons will in no case be entertained by any military authority."

On June 2, 1865, the President issued an Executive Order which was extended by the War Department, which

"Ordered, That all officers of the Treasury Department, all military officers, and all other in the service of the United States, turn over to the authorized officers of said Bureau all abandoned lands and property con-templated in said Act of Congress, approved March 3, 1865, establishing the Burear of Refugees, Freedmen and Abandoned Lands, the may now be under their control. be under their control. my will also turn over to such office all funds collected by tax or others a for the benefit of refugees or freedmen, or decruing from abandoned land or property set apart for their use, and will transfer to them all official records connected with the administration of affairs which pertain to said bureau.

The military officers of this department have been ordered by Gen. Gill-more, in an order issued a few days since, to deliver up the property held by them in this department to the bureau.

On June 27, \$865, a circular letter from the Secretary of the Treasury directs

"Officers of this department charged with the care and supervision of, or having in their possession or under their control, any abandoned or confiscable lands, houses and tenements, will turn them over to a duly authorized officer of the Bureau of Refigees, Freedmen and Abandoned Lands, so far as, they may be required or demanded by the same, together with all monies, books, records and papers, arising from or relating to the property so turned over, taking proper receipts or youthers therefor. This receipts or vouchers therefor. This rule will also govern the action of all agents of this department connected in any way with the care of freedmen, so far as it may be applicable.

"And all persons asking for any information in regard to the property so turned over, or for the release of the same, or for the release of any proceeds or monies arising therefron, will be referred to the Commissioner of Refugees, Freedmen and Abandon-ed Lands, at Washington, to whom communications on the subject should be addressed."

On July 28, 1865, Circular No. 13 was issued from the Chief of this Bureau, Gen. Howard, declaring fall confiscated and, abandoned lands and other confiscated and abandoned property that are now or may hereafter be under the control of the Bureau," to be "set apart for the use of loyal refngees and freedmen, and so much as may be necessary to be assigned to them," according to acts and orders above quoted, and "that no part or parcel of said confiscated or abandon-ed property shall be surrendered or restored to the former owner thereof, or other claimants thereto, except such surrender or restoration be authorized by said Commissioner."

"3. Whenever any abandored lands or other abandoned property that shall come into possession of the burean does not fall under the definition of 'abandoned' as set forth in Section 2, Act July, 1864, it will be formally surrendered by the Commissioner of the Bureau, upon clear proof that the claimant did not abandon the proper-ty in the sense defined. In the surrender or restoration of any property, the requirements of Circular No. 3, Current Series, from this Bureau, will be carefully observed. (Circular No. 3 is quoted above as order of May 22,

1865.)
"6. The pardon of the President to extend to will not be understood to extend to the surrender of abandoned or confiscated property, which has been 'set apart for refugees and freedmen,' or in use for the employment and general welfare of all persons within the lines of national military occupation within said insurrectionary States, formerly held as slaves, or who are or shall become free."

This abstract will furnish your Excellency, without any comment of mine, a clear idea of the condition of possession and title of nearly all the lands of South Carolina below tide water, of much that was abandoned in the more interior of the State during Sherman's march, and of a very large proportion of the city property of Columbia and Charleston. As I understand, application before the bureau must rest upon one of two grounds only. 1. That the lands were really not "abandoned." in the sense of the definition of the Act; or 2. That the property was bona fide before the war settled on women and minors, who, when their interests are separate, cannot be punished for the acts of their husbands and fathers, which they could in no way control.

Applications for restoration in this State must be made through General Saxton's Headquarters, from which the application, with his endorsement of approval or disapproval, passes to Headquarters of Commissioner of the Bureau at Washington. The application should be sworn to, and when he desires it necessary, the proof submitted to General Saxton, or to the

agents whom he may appoint.

I do not consider it within the duty assigned me by your Excellency to enter, in this communication, upon the consideration of any of the very grave questions which the subject suggests. Respectfully, WM. HENRY TRESCOT.

NEGRO SUFFRAGE IN QUIO. —Governor Todd, in a recent speech in Ohio,

"Now, as to this amendment to our State Constitution whereby the negro shall be permitted to vote in Ohio, I would say that my only objection to it is that I don't think it is to the interest of the black man to settle in Ohio. Slavery being abolished in the South-ern States now, I think the climate, soil and productions of the South are much better fitted for him, and he for them, than at the North. I should be much better fitted for him, and he for them, than at the North. I should be sorry to mislead the negro from his true interests; hence, I think it would be unwise to invite him to come here, as we would by giving him the right of suffrage here. The true friend to the black man will discharge his duty to him better by advising him to seek a climate where slavery does not exist; a climate and a country more congenial to his tastes and more profitable to his labor than these Northern States and this Northern climate can be. and this Northern climate can be.

South America is still the scene of slaughter and convulsion. The war between Paraguay and Brazil is raging fiercely. In a late naval conflict the Brazilians won a decisive victory over the Paraguayans, but at the same time the latter invaded Brazil with an army of 7,000 men, who took possession of a large fortified place called Borga, after a desperate conflict: In the action between the fleets of the two States, the Paraguayans, who com-menced the attack near Corientes with eight steamers and six gun-boats mounting very heavy guns, lost their Admiral, who was killed, and 1,700 Admiral, who was killed, and 1,700 officers and men killed, wounded and missing, besides four steamers and all their gun-boats. The Brazilian loss, timore, Md.

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Messrs. Samuel Harris & Sons, Baltimore, Md. though not so great, was considerable. Mel.

A remarkable sign of the immense change produced in France by the Emperor, is found in the absence at this moment of all the members of the Government, together with the Emperor and Empress; from Paris, and the extreme peace and good order of that once turbulent capital. Trade is not very good at present, and bank-ruptcies are numerous—jet the Pari-sians are as quiet as any other people

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CHARLOTTE, N. C.

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HE excreses of the College, and of the Preparatory Department connocted with it, will be resumed on the 28th of SEP-TEMBER.

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or using sentialisings in the payment of tuition.

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President.

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HENRY M. DRANE,

1 aug 28 16 General Superintendent.